

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/628,475 Confirmation No. :
Patent No. 6,890,475
First Named : Joseph D. ARTISS
Inventor
Filed : 07/29/2003
TC/A.U. :
Examiner :
Docket No. : 103022.58743US
Customer No. : 23911
Title : Compositions Comprising Dietary Fat Complexers and
Methods for Their Use

**REVIEW OF FAILURE TO RECORD PAYMENT OF A MAINTENANCE
FEE FILED PRIOR TO EXPIRATION OF PATENT**

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Patentees request a review of the U.S. Patent and Trademark Office's failure to record Patentees' payment of the maintenance fee that was filed prior to expiration of the above-identified patent and a review of the Application Data records that indicate that the Patent is expired for nonpayment of the maintenance fee. Patentees further request that the Patent's Transaction History and Application Data records be corrected to indicate that the Patent is still in force.

On July 15, 2009 Patentees' undersigned representative became aware that the Transaction History of the above-identified Patent recites an entry of "Patent Expired" dated June 8, 2009 and the "Application Data" in PAIR for this Patent states "Patent Expired Due to NonPayment of Maintenance Fees Under 37 CFR 1.362" (copies of screenshots enclosed). The electronic File Wrapper for this Patent does not indicate that a Notice of Patent Expiration has been mailed.

After a review of the file, the documents submitted to the U.S. Patent and Trademark Office, the Deposit Account records and Credit Card Account records,

Patentees' undersigned representative determined that the maintenance fee had been submitted and acknowledged by the U.S. Patent and Trademark Office, but the maintenance fee had not been charged to either the Credit Card Account or Deposit Account.

Patentees enclose a copy of the Maintenance Fee Transmittal Form and the Credit Card Payment form submitted November 6, 2008. The Maintenance Transmittal form authorized the Director to charge any deficiencies in the payment of the required fees to Deposit Account No. 05-1323 (Docket No. 103022.58743US). Patentees also enclose a copy of the date stamped postcard receipt for the Maintenance Fee payment indicating the Maintenance Fee Statement and Credit Card Payment form were received by the U.S. Patent and Trademark Office on November 6, 2008. Thus, Patentees did properly submit a Maintenance Fee payment with a Credit Card Payment form for \$980.00.

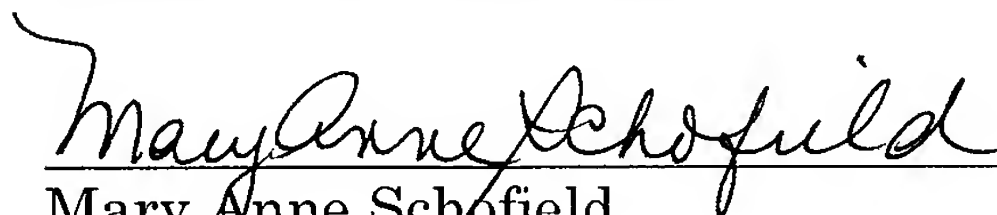
Patentees request a review of the U.S. Patent and Trademark Office's failure to record Patentees' payment of the maintenance fee filed prior to expiration of patent and the notices in the Transaction History and a review of the Application Data records that indicate that the Patent is expired for nonpayment of the maintenance fee. Patentees request that the Transaction History and Application Data records be corrected to indicate that the Patent is still in force.

Patentees submit herewith a further maintenance fee payment of \$980.00 and fee \$200.00 as set forth in § 1.17(g). Patentees request that the petition fee be refunded if the failure to record Patentees' payment of the maintenance fee is determined to result from an error by the Patent and Trademark Office.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, associated with this paper to Deposit Account No. 05-1323, Docket No.: 103022.58743US.

Respectfully submitted,

July 20, 2009


Mary Anne Schofield
Registration No. 36,669

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

Crowell & Moring LLP

Today's Date: November 6, 2008

Attorney Docket: 103022 58743US
First Named Inventor: Joseph D. ARTISS
Serial No.: 10/628,475
Patent No.: 6,890,549
Filing Date: July 29, 2003

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

X Maintenance Fee Transmittal with Credit Card Payment Form (PTO-2038) \$980.00

MAS:MAS:pcf



DUE DATE: November 10, 2008

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Customer No. 23911

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Attorney Docket:**103022.58743US**

Typed or printed name _____

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☐ A check for the amount of \$ _____ for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
2. ☐ The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. **05-1323 (Docket No. 103022.58743US)**. A duplicate copy of this form is enclosed.
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* Information required by 37 CFR 1.366(c) (columns 1 & 4). Information requested under 37 CFR 1.366(d) (columns 2, 3, & 5)

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					3.5 yrs	7.5 yrs	11.5 yrs	
	Column 1	Column 2	Column 3	Column 4				
1	6,890,549	\$980.00	\$	10/628,475	X			No
2		\$	\$					
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Mary Anne Schofield - Crowell & Moring LLP
(202) 624-2500

Date: **November 6, 2008**

Registration Number, if applicable

36,669Fax: **(202) 628-8844**

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

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This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 0.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611.**

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Payment Amount: \$ (US Dollars): \$980.00			
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Patent No.	Patent No. 6,890,549	Registration No.	
Attorney Docket No. 103022.58743US		Identify or Describe Mark	

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10/628,475

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Bibliographic Data

Application Number: 10/628,475

Filing or 371 (c) Date: 07-29-2003

Application Type: Utility

Examiner Name: FUBARA, BLESSING M

Group Art Unit: 1615

Confirmation Number: 4686

Attorney Docket Number: AJC 201.1 US/10304772

Class / Subclass: 424/439

First Named Inventor: Joseph D. Artiss , Windsor, (CA)

Customer Number: -

Status: Patent Expired Due to NonPayment of Maintenance Fees Under 37 CFR 1.362

Status Date: 06-08-2009

Location: ELECTRONIC

Location Date: -

Earliest Publication No: US 2004-0120984 A1

Earliest Publication Date: 06-24-2004

Patent Number: 6,890,549

Issue Date of Patent: 05-10-2005

Title of Invention:

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Transaction History

Date	Transaction Description
06-08-2009	Expire Patent
05-10-2005	Recordation of Patent Grant Mailed
04-20-2005	Issue Notification Mailed
05-10-2005	Patent Issue Date Used in PTA Calculation
04-07-2005	Receipt into Pubs
04-06-2005	Dispatch to FDC
04-06-2005	Application Is Considered Ready for Issue
01-26-2005	Issue Fee Payment Verified
12-27-2004	Miscellaneous Incoming Letter
01-05-2005	Response to Reasons for Allowance
03-30-2005	Receipt into Pubs
01-26-2005	Issue Fee Payment Received
12-29-2004	Workflow - File Sent to Contractor
12-27-2004	Workflow incoming amendment IFW
12-13-2004	Mail Notice of Allowance
12-10-2004	Notice of Allowance Data Verification Completed
12-06-2004	IFW TSS Processing by Tech Center Complete
12-22-2003	Preliminary Amendment
10-28-2004	New or Additional Drawing Filed
12-06-2004	Date Forwarded to Examiner
10-28-2004	Response after Non-Final Action
09-02-2004	Reference capture on IDS
10-28-2004	Workflow incoming amendment IFW
10-22-2004	Examiner Interview Summary Record (PTOL - 413)
09-02-2004	Mail Non-Final Rejection
08-27-2004	Non-Final Rejection
06-10-2004	Information Disclosure Statement (IDS) Filed
06-10-2004	Information Disclosure Statement (IDS) Filed
07-12-2004	Mail-Record Petition Decision of Granted to Make Special
12-24-2003	Petition Entered
07-01-2004	Case Docketed to Examiner in GAU
11-15-2003	Application Return from OIPE
10-30-2003	Application Return TO OIPE
10-30-2003	Application Dispatched from OIPE
10-30-2003	Application Is Now Complete
10-14-2003	Cleared by OIPE CSR
09-08-2003	IFW Scan & PACR Auto Security Review
07-29-2003	Initial Exam Team nn

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